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IN THE SUPREME COURT OF THE STATE OF MONTANA

FILED
January 13 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Tracy Axelberg
CHRISTENSEN

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KEN LAUDATO; LAWRENCE

KRONE; RICHARD BLACK; JIM

others similarly situated,

KELLY; CHRIS SOUSLEY; and all

MONTANA POWER COMPANY;

debtor, subsequent to its plan

NOR; NORTHWESTERN

CORPORATION d/b/a

NORTHWESTERN CORPORATION, a Delaware Corporation, as a reorganized

confirmation, hereinafter referred to as

NORTHWESTERN ENERGY; PUTMAN AND ASSOCIATES, INC., a Montana

Corporation; and JOHN DOES IV-XX,

WALKER; GARY MANSIKKA; GARY

GALETTI; GREG WHITING; MARVIN

Plaintiffs/Appellees,

Defendants/Appellants.

Rule 7 Mediator

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RULE 7 MEDIATOR'S STATUS REPORT TO THE COURT

Supreme Court Case No. DA-09-0578

HERMAN GONZALES; FAWN LYONS;

Montana Second Judicial District
Court
Silver Bow County
Cause No. DV-98-253

RULE 7 MEDIATOR'S STATUS REPORT TO THE COURT

RULE 7 MEDIATOR'S

A Rule 7, M.R.App.P. mediation was held in this matter on January 6 and 7, 2010, in Bozeman, with all parties and counsel participating. Subject to working out a number of details, it appears that the Plaintiffs/Appellees have reached a conceptual settlement agreement with Defendants/Appellants Northwestern Corporation (as a reorganized debtor) and Putman and Associates, Inc. The attorneys for these parties are presently working on these final details and expect to have them resolved during the week of January 18, 2010. The conceptual settlement includes the issues between the parties in this appeal, exclusive of Montana Power Company and, additionally, claims pending before the Workers Compensation Court in two additional class actions. A conceptual settlement was NOT reached between Plaintiffs/Appellees and Defendant/Appellant Montana Power Company.

Northwestern Corporation has represented to the Mediator that it agrees to file the appropriate motions in the Bankruptcy Court for the District of Delaware to provide a thirty-day stay of briefings and related hearings in a motion pending in that Court, to allow the parties to focus their attentions on settlement details.

I am advised that the briefing schedule issued by this honorable Court calls for the filing of Appellants' opening briefs on or before January 22, 2010. Given what appears to be an imminent settlement among many of the parties to this appeal, I respectfully suggest the briefing schedule as it relates to those parties involved in the conceptual settlement be vacated pending their efforts to **obtain a resolution of the appeal as to some of the parties**. If the Court is inclined to agree, I would commit to providing a second status report no later than January 22, 2010. In the meantime

the Mediator respectfully requests an appropriate order staying the briefing for Northwestern Corporation and Putman and Associates.

RESPECTFULLY SUBMITTED this 12th day of January, 2010.

Tracy Axelberg Rule 7 Mediator

CERTIFICATE OF SERVICE

I, Caroline L. Miller, one of the staff of the law firm of CHRISTENSEN, MOORE, COCKRELL, CUMMINGS & AXELBERG, P.C., do hereby certify that I served the foregoing document by mailing a copy thereof, first-class, postage prepaid to:

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This Status Report was filed with the Court via facsimile to 406-444-5705 on January 12, 2010, and the original was mailed via first-class mail on the same date.

Caroline L. Miller

Date: January 12, 2010

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